IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Bail Appl..No. 3925 of 2007()

CRIME NO. 231/07 OF KORATTY POLICE STATION

PETITIONERS

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1. SIVARAMAN, S/O.MAANI,
AGED 58 YEARS, THANDENGATTIL HOUSE,
KATTAPPURAM, KORATTY (PO), THRISSUR DISTRICT.

2. PADHMINI, W/O.SIVARAMAN,
AGED 50 YEARS, THANDENGATTIL HOUSE,
THATTAPPALAM, KORATTY (PO), THRISSUR DISTRICT.

3. SUSEELKUMAR, S/O.NEELAMBARAN,
AGED 35 YEARS, KALLATTU HOUSE, AAZHAKAM (PO),
MOOKKANNUR, ERNAKULAM DISTRICT.

BY ADV. SRI.C.K.ABDUL RAHIM
SRI.M.MATHEW JOSEPH
SMT.K.ANILA

RESPONDENTS:

THE STATE OF KERALA (SUB INSPECTOR OF
POLICE), KORATTY POLICE STATION, KORATTY (PO),
THRISSUR DISTRICT, REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 3925 of 2007

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Dated this the 2nd day of July, 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 1 to 3. They are spouses and their son-in-law. The crime has been registered alleging offences, inter alia, under Section 420 I.P.C. That crime has been registered on the basis of a private complaint, referred to the police by the learned Magistrate under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are respectable persons and they had only allegedly entered into an agreement for sale of immovable properties with the defacto complainant. The petitioners deny that allegation. But even accepting the allegations, the crux of the dispute is about the liability of the petitioners to comply with the said Deed/agreement for sale of property. About that dispute, a civil suit is pending and to steel a march over the petitioners false allegations have been raised. In any view of the matter, the petitioners do not deserve to suffer arrest and

incarceration in prison in the course of investigation of the crime. The petitioners may be granted anticipatory bail, it is prayed.

3. The learned Prosecutor does not seriously oppose the application. Having considered all the relevant inputs, I am satisfied that this is a fit case where the discretion under Section 438 Cr.P.C. can and ought to be invoked in favour of the petitioners. Appropriate conditions to facilitate a fair, efficient and expeditious investigation can of course be imposed.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 9.7.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 10.7.07 and 11.7.07 and thereafter on all Mondays between 10 a.m. and 12 noon

for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 9.7.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 9.7.2007 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 9.7.2007.

(R. BASANT)
Judge

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